

PERSONAL INJURY HANDBOOK

*Straight Talk About Personal Injury
Claims*



MYERS & COMPANY
PERSONAL INJURY ATTORNEYS



SNEAK PEEK!

ABOUT THE AUTHOR

Mike Myers



Mike's been representing injured people for almost 25 years. He gets top dollar settlements because insurance companies know he's willing to try cases.

Mike played soccer at Stanford and graduated with honors from law school.

He is AV rated by Martindale and has been named a SuperLawyer for the past 10 years. He's one of the top personal injury attorneys in the Pacific Northwest.

Mike has recovered over \$50 million for personal injury clients. He measures success by the results achieved for his clients.

Why write this handbook? Mike wants people to know their rights. He wants people to take advantage of opportunities. He doesn't want people to overlook rights or miss out on the compensation they deserve.



CAR ACCIDENTS



Cars are getting safer. But they're still the most dangerous technology we've invented. They kill and injure way more people than conventional, chemical or nuclear weapons.

The most common kind of accident is the rear-end collision. We all know the "following driver" rule. But does that mean that the following driver is always 100 percent at fault?

Following Driver Rule... And What We Can Learn from It

It's the responsibility of the following driver to avoid a collision with the lead vehicle. But this duty is not absolute – it is excused when unusual circumstances exist or there is an emergency (not created by the following driver).

For instance, if the lead driver slams on his brakes and the following driver hits the lead car, the lead driver is (at least) partially at fault for the collision. The following driver can make a claim against the lead driver.

We recovered policy limits of \$100,000 for a client who rear-ended the car in front of her. The car in front of her made a lane change in front of our client and then immediately slowed for traffic.

The following driver rule isn't super-interesting. But talking about it—and the fact that there are exceptions to it—serves a good purpose. It points out that the "rules" we learn in driver's education or think about in absolute terms aren't necessarily black and white.

Every serious injury accident deserves intelligent and thoughtful analysis. Even if the facts seem insurmountable, there still may be a claim.

We see quite a few cases where our client has rear-ended the vehicle in front of them. Money can be extracted from these cases if the damages are significant.

Drugs and Alcohol

A lot of cases involve alcohol. There are basically two variations. Someone gets drunk and hurts himself. Someone gets drunk and hurts someone else.

Recovering From Drunk Drivers

A lot of people think that insurance doesn't cover drunk driving accidents. And maybe it shouldn't. But it does.

In most cases recovery is limited by insurance coverage. There are a couple of reasons for this but the biggest is that most people who cause accidents don't have anything you could get if they filed a bankruptcy petition.

We've used this leverage to obtain settlements far in excess of policy limits. In fact, we had a case this year where the defendant cleaned out her 401k to settle the case.

You have additional leverage with a drunk driver: a judgement against a drunk driver is not dischargeable (can't be wiped out) in bankruptcy. But because drunks usually don't have enough insurance or assets to compensate the people they hurt it's important to find other sources of recovery.

Bars and Restaurants

Bars and restaurants can be held responsible if they let someone have too much to drink.

In Washington the standard for imposing liability on bars and restaurants used to be "obvious intoxication".

A bar served two drinks to a woman. She had four drinks earlier in the night. She drove the wrong way on the viaduct and hit our client. We recovered \$1M from the bar.

But the law has changed from “obviously intoxicated” to “apparently intoxicated”. This relaxed standard means it’s easier to pursue over-service claims.

Client was stabbed by an intoxicated customer. We recovered a six figure settlement from the bar.

Most of these claims are the product of drunk driving. But drunks make all sorts of bad decisions. Something we see a lot is drunks attacking other customers at bars. If the bar over-served the drunk, they probably share in responsibility (and likely have insurance to cover the claim).

Bystander Claims

Sometimes it’s worse to witness a wreck than be in it. This is particularly true if the wreck involves a family member. Washington law recognizes what it’s like to witness a family member get hurt and allows recovery.

Bystander claims (negligent infliction of emotional distress) allow people to recover for seeing a family member get hurt or suffering right after an accident.

Many of these cases involve drunk drivers. Here are a couple of things from the MADD website:

We recovered \$50,000 for a father who arrived on the scene after his daughter had been hit by a car.

Grief is not an event, but a process of experiencing the effects of a death or other loss. Grief is something that everyone experiences at some point in their lives. Traumatic grief is different and even more difficult. When someone is [hurt] suddenly and violently, grief reactions of family and friends can be intense, complicated, and long lasting. If your loved one was [hurt] in a substance impaired driving crash involving alcohol or drugs, you may feel angrier than you have ever felt and sadder than you ever thought possible.

If you see a family member get hurt or arrive on the scene right after they’ve been hurt it makes sense to make a claim.

Claims Against Friends and Family

A lot of people would rather not make a claim against friends or family.

But we ride with family and friends. And accidents are bound to happen.

The first instinct is to suck it up. But it's important to remember that friends and family have been paying insurance premiums for years to make sure that they have coverage just in case this type of accident occurs. If you decide not to make a claim in this situation, the only one who wins is the insurance company.

Working with an attorney makes sure to minimize the impact on friends and family and maximizes benefits under their insurance policies.

We represented a daughter in a case against her dad. She recovered \$300,000 under her dad's insurance policy.